

**COURT OF APPEALS
DECISION
DATED AND RELEASED**

July 10, 1997

A party may file with the Supreme Court a petition to review an adverse decision by the Court of Appeals. See § 808.10 and RULE 809.62, STATS.

NOTICE

This opinion is subject to further editing. If published, the official version will appear in the bound volume of the Official Reports.

No. 96-1808

STATE OF WISCONSIN

**IN COURT OF APPEALS
DISTRICT IV**

STATE OF WISCONSIN,

PLAINTIFF-RESPONDENT,

V.

PETER GALOWSKI,

DEFENDANT-APPELLANT.

APPEAL from orders of the circuit court for Portage County:
DENNIS D. CONWAY, Judge. *Affirmed.*

Before Eich, C.J., Roggensack and Deininger, JJ.

PER CURIAM. Peter Galowski appeals from an order denying his postconviction motion for sentence modification and from an order denying reconsideration. He contends that his motion presented new factors entitling him to resentencing for two murders he committed in 1977. We reject his arguments and affirm.

Galowski was convicted for the murders in 1978 and received two consecutive life sentences. Since then he has filed numerous postconviction motions, petitions and appeals in the trial court, this court and federal court. In this action, commenced in December 1995, he argues for the first time that the trial court misinterpreted the law at sentencing and consequently failed to consider probation as an alternative to the sentence he received.

If, in fact, the trial court misinterpreted the law at sentencing in 1978, that was not a new sentencing factor in 1995. It is a question of law that Galowski could have raised in his original postconviction motion on direct appeal, or in one of several subsequent § 974.06, STATS., motions he filed since losing his direct appeal. All grounds for relief available to a person under § 974.06 must be raised in the initial postconviction procedure unless the court finds a ground for relief asserted, which for sufficient reason was not asserted or was inadequately raised in the original motion. Section 974.06(4). Galowski has offered no plausible reason for his delay in raising this issue. In any event, Galowski's premise that the trial court might have sentenced him to probation instead of consecutive life sentences, had it known that probation was available, is, at best, strained.

Galowski identifies as a new factor his recent discovery, within his own mind, of the long repressed motive for his crimes—fear of the victims. Galowski cannot reasonably contend that he is entitled to resentencing based on his belatedly revealed, self-serving explanation for committing the murders. That explanation, one might add, is totally at odds with the facts of record concerning the means by which the murders were carried out against unarmed victims.

By the Court.—Orders affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b)5, STATS.

